

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RODNEY L. EMIL,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

3:00-cv-0654-KJD-VPC

ORDER

In this capital habeas corpus action, on May 15, 2012, counsel for the petitioner, Rodney Emil, filed, under seal, a request for an *ex parte* status conference, regarding Emil's representation (ECF No. 198). Then, on May 23, 2012, Emil's counsel filed a document (ECF Nos. 199, 200), which includes a request for approval of substitution of counsel for Emil.

On May 30, 2012, the court held an *ex parte* telephonic conference regarding the motion for substitution of counsel (ECF No. 202). At the conclusion of the conference, the court ordered Emil's counsel to file, no later than June 29, 2012, a supplemental brief or declaration of counsel, under seal, providing a more detailed explanation of the need for the substitution of counsel.

On July 3, 2012, Emil's counsel filed supplemental briefing in support of the motion for substitution of counsel, under seal, as ordered (ECF No. 205).

1 The court has carefully considered the material filed under seal in this case on July 3, 2012
2 (ECF No. 205), and determines that, in the interests of justice, substitution of counsel is warranted.
3 *See Martel v. Clair*, 132 S.Ct. 1276, 1284 (2012) (holding that an “interests of justice” standard is to
4 be applied to motions for substitution of counsel in capital habeas cases). The motion for
5 substitution of counsel will be granted, the Federal Public Defender for the District of Nevada will
6 be discharged from its representation of the petitioner, and the Federal Public Defender for the
7 Central District of California will be appointed to represent the petitioner.

8 The Federal Public Defender for the Central District of California will be directed to file a
9 notice of appearance of counsel in this action. After that notice is filed, the court will set a schedule
10 for further proceedings.

11 **IT IS THEREFORE ORDERED** that the motion for substitution of counsel (ECF No. 200)
12 is **GRANTED**.

13 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada is
14 discharged from the representation of the petitioner in this case.

15 **IT IS FURTHER ORDERED** that the Federal Public Defender for the Central District of
16 California is appointed to represent the petitioner in this case.

17 **IT IS FURTHER ORDERED** that the Federal Public Defender for the Central District of
18 California shall, within **30 days** after the date this order, file a Notice of Appearance of Counsel for
19 Petitioner, indicating their acceptance of this appointment, or other document indicating that they
20 cannot accept the appointment.

21 **IT IS FURTHER ORDERED** that the requirements of Local Rule IA 10-2 (“Admission to
22 Practice in a Particular Case”) shall be waived in this case.

23 ///

24 ///

25 ///

26 ///

1 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **SERVE** a copy of this
2 order on each of the following:

3
4 Rodney Emil
#22063
5 Ely State Prison
P.O. Box 1989
6 Ely, NV 89301

7
8 Federal Public Defender
Central District of California
321 E. 2nd Street
9 Los Angeles, CA90012

10 Dated this 12 day of July, 2012.

11
12 

13 _____
UNITED STATES DISTRICT JUDGE